

**REMARKS**

The above amendment with the following remarks is submitted to be fully responsive to the Office Action of March 22, 2007. Reconsideration of this application in light of the amendment and the allowance of this application are respectfully requested.

Claims 1, 2, and 4-13 were pending in the present application prior to the above amendment. In response to the Office Action, claims 1, 8, 9 and 13 have been amended. Therefore, claims 1, 2, and 4-13 are still pending in the present application and are believed to be in proper condition for allowance.

Initially, the Applicants acknowledge with appreciation, the Examiner's granting of a telephonic interview with the undersigned Applicants' representative on July 18, 2007. During the interview, the Office Action, and the prior art reference applied therein, were discussed in detail, as well as various possible amendments to the claims of the application. Amendments to the independent claims and comments herein below are submitted in view of the discussions during the telephonic interview.

Referring now to the Office Action, claims 4-5 and 10-11 were rejected under 35 U.S.C. §112, first paragraph, the Examiner stating that these claims have been amended to recite a higher target pressure band whereas the original disclosure materials only discloses differences in target pressures and not target pressure bands. In response thereto, the Examiners attention is directed to the Figure and Page 4, last paragraph of the Specification of the present application which teaches that the "target pressure is indicated by the narrow solid band." Correspondingly, as used in the application, the target pressure refers to a narrow band, for example, as shown in the Figure. Correspondingly, the Applicants respectfully submit that the original disclosure teaches the 8% to 10% difference in the target pressures that are specifically recited in these rejected claims. Correspondingly, the withdrawal of this rejection is respectfully requested.

Referring again to the Office Action, claims 1-2, 8, and 12-13 were rejected under 35 U.S.C. §102(b) as being anticipated by WO98/17493. In the Office Action, the Examiner asserted that the '493 discloses all the limitations of these claims including a target means to calculate a target pressure band based on provision of  $P_{int}$ . However, as discussed during the interview, the '493 reference fails to disclose a target means that calculates a target pressure band as recited in these claims, but merely describes provision of a  $P_{int}$  which is predetermined and selectable like the  $P_{max}$  and  $P_{min}$  also disclosed in the '493 reference. Correspondingly, the system in method described in the '943 reference would not allow the target pressure band to be changed within a vehicle state in the manner shown in the Figure of the present application.

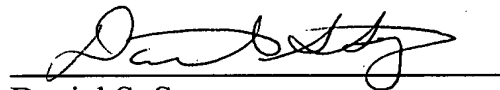
However, in view of discussions with the Examiner, to more clearly define the system and method of the present invention, independent claims 1, 8 and 13 have been amended above to specifically recite that the target pressure band moves within the throttle-on and/or throttle-off modes. As discussed during the interview, the prior art reference '493 fails to disclose, or teach, moving the target pressure band as now specifically recited in these claims. As also discussed during the interview, it should be appreciated by the Examiner that moving of the target pressure band does not mean that the band itself is constant in width, but the band width can be being changed as the band is moved as recited. Therefore, in view of the above amendments to the independent claims 1, 8 and 13, the withdrawal of this rejection, and allowance of these claims are respectfully requested, claims 2 and 12 being ultimately dependent on claim 1 as amended above.

Referring again to the Office Action, claims 4-5 and 9-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over the '493 reference discussed above. With respect to dependent claims 4-5, this rejection is believed to be rendered moot in view of the above amendments to independent claim 1 upon which they ultimately depend. In addition, it is also noted that recited '493 reference fails to disclose or even suggest providing a higher target pressure band

which exceeds a normal target pressure band by 8% to 10% as recited in claim 4 or providing yet a third higher target pressure band as recited in claim 5, and the Examiner's assertion that it would be a routine calculation in experimentation is believed to be unsupported. In addition, with respect to this rejection as applied to claims 9-11, independent claim 9 has been amended above to also specifically recite that the target pressure band is moved within the throttle-off and/or the throttle-on modes. Moreover, remarks presented above relative to claims 4 and 5 are believed to be equally applicable to claims 10 and 11. Correspondingly, the withdrawal of this rejection and the allowance of claims 4-5 and 9-11 are respectfully requested.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if any issue remains after considering this response, the Examiner is invited to call the undersigned to expedite the prosecution and work out any such issue by telephone.

Respectfully submitted,



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